



Nashua Transit System (NTS) Advertising Guidelines & Procedures

Revised August 9, 2019

Nashua Transit System (NTS) has the unqualified right to display, on or in its facilities, advertisements and notices that pertain to NTS operations and promotions consistent with the provisions of its agreement with the Advertising Contractor. NTS reserves the right, in all circumstances, to require that advertisements on or in its facilities includes a disclaimer indicating that it is not sponsored by, and does not reflect the view of NTS.

Article I. Advertising Standards

- A. Nashua Transit System (NTS) buses, vans, shelters, bus stops and transit facilities constitute nonpublic forums that are subject to the viewpoint-neutral restrictions set forth below. Certain forms of paid and unpaid advertising will not be permitted for placement or display on or in NTS facilities.
- B. Nashua Transit System (NTS) shall not display or maintain any advertisement that falls within one or more of the following categories:
 - a. **Demeaning or disparaging.** The advertisement contains material that demeans or disparages an individual or group of individual as determined by Nashua Transit System (NTS).
 - b. **Tobacco.** The advertisement promotes the sale or use of tobacco or tobacco-related products, including depicting such products.
 - c. **Alcohol.** The advertisement promotes the sale or use of alcohol or alcohol-related products, including depicting such products.
 - d. **Profanity.** The advertisement contains profane language.
 - e. **Firearms or ammunition.** The advertisement promotes the sale or use of firearms or ammunition or contains an image of a firearm or ammunition anywhere in the overall advertisement.
 - f. **Violence.** The advertisement contains an image or description of graphic violence, including but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices used in the

advertisement in an act or acts of violence or harm on a person or animal.

- g. **Unlawful goods or services.** The advertisements, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services as determined by Nashua Transit System (NTS).
 - h. **Unlawful conduct.** The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities as determined by Nashua Transit System (NTS).
 - i. **Obscenity or nudity.** The advertisement contains obscene material or images of nudity.
 - j. **Prurient sexual suggestiveness.** The advertisement contains material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a way that the average adult, applying contemporary community standards would find appeals to the prurient interest of minors or adults in sex.
 - k. **Political content.** The advertisement promotes a political figure, candidate, party, agenda, or advocates for the outcome of an election to public office.
 - l. **Endorsement.** The advertisement or any material contained in it, implies or declares an endorsement by Nashua Transit System (NTS) of any service, product or point of view, without prior written authorization of NTS (through its Transportation Manager).
 - m. **False, misleading, or deceptive commercial speech.** The advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, is false, misleading or deceptive as determined by Nashua Transit System (NTS).
 - n. **Libelous speech, copyright infringement, etc.** The advertisement, or any material contained in it, is libelous or an infringement of copyright as determined by Nashua Transit System (NTS), or is otherwise unlawful or illegal or likely to subject NTS to litigation.
 - o. **“Adult” – oriented goods or services.** The advertisement promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with films rated “X” or “NC- 17,” adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult Internet sites, and escort services.
- C. **Review of Advertisement.** The Advertising Contractor shall review each advertisement submitted for display on or in NTS facilities to determine whether the advertisement falls within, or may fall within, one or more of the categories set forth in (B) above. If the Advertising Contractor determines that the advertisement falls within, or may fall within, one or more of the categories set for in (B) above, then:

- a. **Referral to Transportation Manager.** The Advertising Contractor shall promptly send the advertisement – along with the name of the advertiser, the size and number of the advertisements, and the dates and locations of the display – to the Transportation Manager for review of the advertisement by NTS.
- b. **Initial Review by NTS.** Upon the Transportation Manager's receipt of the advertisement and supporting information, the Transportation Manager shall review the advertisement and supporting information to determine whether the advertisement falls within one or more of the categories set forth in (B) above. In reaching this determination, the Transportation Manager may consider any materials submitted by the advertiser and may consult with the Advertising Contractor. In the event that the Transportation Manager determines that advertisement does not fall within any of the categories set forth in (B) above, the Transportation Manager shall advise the Advertising Contractor that the advertisement is in conformity with Nashua Transit System's Advertising Guidelines.
- c. **Opportunity for Revision by Advertiser.** In the event that the Transportation Manager determines that the advertisement falls within one or more of the categories set forth in (B) above, the Advertising Contractor may, in consultation with the Transportation Manager, discuss with the advertiser one or more revisions to the advertisement, which if undertaken, would bring the advertisement into conformity with NTS's Advertising Guidelines. The advertiser shall then have the option of submitting a revised advertisement for review by NTS.
- d. **Removal of Non-Complying Advertisements.** Notwithstanding the foregoing, if the Transportation Manager determines at any time that an advertisement already accepted for display by the Advertising Contractor falls within one or more of the categories set forth in (B) above, he/she shall in writing, specify which of the categories the advertisement falls within, and notify the Advertising Contractor that the advertisement is not in conformity with its Advertising Guidelines and that the advertisement shall be promptly removed. Upon such instruction, the Advertising Contractor shall promptly remove the advertisement, shall provide the advertiser with a copy of these Guidelines, and may, with the Transportation Manager, discuss with the advertiser revisions to the advertisement which, if undertaken, would bring the advertisement into conformity with NTS Advertising Guidelines. The advertiser shall then have the option of submitting a revised advertisement for review by NTS. In the event that NTS and the advertiser do not reach agreement with regard to a revision of the advertisement, the Transportation Manager will issue a final written notice of its decision, which shall then be relayed to the advertiser. The Transportation Manager's determination shall be final.